

LEGALLY BINDING BUDGET ACT OF 2011

JANUARY 31, 2012.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DREIER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H.R. 3575]

[Including cost estimate of the Congressional Budget Office]

The Committee on Rules, to whom was referred the bill (H.R. 3575) to amend the Congressional Budget Act of 1974 to establish joint resolutions on the budget, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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AMENDMENTS

The amendments are as follows (page and line numbers refer to the introduced bill):

Strike section 3 and insert:

SEC. 3. CONFORMING AMENDMENTS TO SECTION 300.

Section 300 of the Congressional Budget Act of 1974 is amended by striking “concurrent” in each place it appears and inserting “joint”.

Strike section 7 and insert:

SEC. 7. AUTOMATIC CONGRESSIONAL ENFORCEMENT OF JOINT RESOLUTION.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding after section 315 the following new section:

“AUTOMATIC CONGRESSIONAL ENFORCEMENT OF JOINT RESOLUTION

“SEC. 316. For purposes of congressional enforcement under titles III and IV of this Act and the rules of the House of Representatives and the Senate, the aggregates, allocations, and any other matters that pertain solely to the Congress set forth in the joint resolution shall be considered as enforceable upon enactment or 15 days following presentment to the President, whichever occurs earlier.”.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Automatic congressional enforcement of joint resolution.”.

Page 6, strike lines 15 through 21 and redesignate succeeding sections accordingly.

PURPOSE AND SUMMARY

H.R. 3575, the Legally Binding Budget Act of 2011, reforms the budget process by establishing a mechanism at the outset of the budget process to reach agreement between the House, Senate, and the President on the appropriate levels of budgetary resources for the upcoming fiscal year. This mechanism is a joint resolution on the budget, which has the force of law and, like all laws, requires the signature of the President (or a two-thirds majority of both Houses overriding a veto) to be enacted. However, if the President were to veto the joint budget resolution, or fail to sign it into law within 15 days, Congress will maintain its budget enforcement mechanisms by providing for automatic establishment of budget levels and allocations.

BACKGROUND AND NEED FOR LEGISLATION

The Congressional Budget Act of 1974 (CBA) established the annual concurrent resolution on the budget as the mechanism to develop, consider, and approve a comprehensive congressional budget plan. The budget resolution sets forth aggregate spending and revenue levels, spending totals by major functional categories, and may include reconciliation instructions to House or Senate committees. If adopted in identical form by both the House and Senate, the concurrent resolution serves as an agreement between the two chambers on a congressional budget plan for a session of Congress. A concurrent resolution is not presented to the President for a signature, and therefore, does not become law.

When the CBA was developed, Congress established a concurrent budget resolution to create a budget process that was largely independent of the President. The concurrent budget resolution was intended to be Congress' response to the President's submitted budget. Critics have argued that the current budget resolution process often results in negotiations beginning late in the budget process as opposed to the beginning of the process, making it more difficult for the two branches to eventually reconcile their differences.

In fact, since the creation of the budget resolution in 1974, all regular appropriation bills have been enacted by October 1, which is the beginning of the fiscal year, just four times—in 1976, 1988, 1994, and 1996.

Since the enactment of the CBA, reformers have frequently discussed the prospect of converting concurrent budget resolutions to joint resolutions as a potential solution to often stalled budget negotiations.

H.R. 3575, introduced by Rep. Diane Black (R-TN) on December 7, 2011, would establish a joint resolution on the budget that with the force of law, would foster early cooperation between the House, Senate, and the President in the budget process and lay a clearer path to finalizing budget resolution policies.

HEARINGS

The Committee on Rules did not hold hearings on this measure.

The Committee on the Budget held two oversight hearings on the budget process where witnesses discussed the topic of joint budget resolutions. On September 21, 2011, they held a hearing entitled "The Broken Budget Process: Perspectives of Former CBO Directors"; "The Broken Budget Process: Perspectives from Budget Experts" was held on September 22, 2011.

COMMITTEE CONSIDERATION

The Committee on Rules met on January 23, 2012 in open session and ordered H.R. 3575 favorably reported to the House with an amendment by a record vote of 5 yeas and 2 nays, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. A motion by Mr. Ses-

sions to report the bill, as amended, to the House with a favorable recommendation was agreed to by a record vote of 5 yeas and 2 nays, a quorum being present.

The names of Members voting for and against follow:

Rules Committee Record Vote No. 181

Motion by Mr. Sessions to report the bill, as amended, to the House with a favorable recommendation.
Agreed to: 5 yeas and 2 nays.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Yea	Ms. Slaughter .....	.....
Ms. Foxx	Yea	Mr. McGovern	Nay
Mr. Bishop of Utah .....	.....	Mr. Hastings (FL) .....	.....
Mr. Woodall .....	.....	Mr. Polis	Nay
Mr. Nugent	Yea	.....	.....
Mr. Scott	Yea	.....	.....
Mr. Webster .....	.....	.....	.....
Mr. Dreier, Chairman	Yea	.....	.....

The Committee also disposed of the following amendments by record vote:

Rules Committee Record Vote No. 179

Amendment by Mr. McGovern #1a to the Dreier amendment #1 to strike section 7 from the bill. Not agreed to: 2 yeas and 5 nays.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Ms. Slaughter .....	.....
Ms. Foxx	Nay	Mr. McGovern	Yea
Mr. Bishop of Utah .....	.....	Mr. Hastings (FL) .....	.....
Mr. Woodall .....	.....	Mr. Polis	Yea
Mr. Nugent	Nay	.....	.....
Mr. Scott	Nay	.....	.....
Mr. Webster .....	.....	.....	.....
Mr. Dreier, Chairman	Nay	.....	.....

Rules Committee Record Vote No. 180

Amendment by Mr. Dreier #1, striking provisions relating to the schedule for consideration of the budget and inclusion of matter related to the debt limit, and clarifying the expedited procedures in the bill. Agreed to: 5 yeas and 2 nays.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Yea	Ms. Slaughter .....	.....
Ms. Foxx	Yea	Mr. McGovern	Nay
Mr. Bishop of Utah .....	.....	Mr. Hastings (FL) .....	.....

Rules Committee Record Vote No. 180—Continued

Amendment by Mr. Dreier #1, striking provisions relating to the schedule for consideration of the budget and inclusion of matter related to the debt limit, and clarifying the expedited procedures in the bill. Agreed to: 5 yeas and 2 nays.

Majority Members	Vote	Minority Members	Vote
Mr. Woodall .....	.....	Mr. Polis	Nay
Mr. Nugent	Yea	.....	.....
Mr. Scott	Yea	.....	.....
Mr. Webster .....	.....	.....	.....
Mr. Dreier, Chairman	Yea	.....	.....

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings and recommendations that are reflected in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 27, 2012.

Hon. DAVID DREIER,
*Chairman, Committee on Rules,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3575, the Legally Binding Budget Act of 2012.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jared Brewster.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 3575—Legally Binding Budget Act of 2012

H.R. 3575 would change the procedures for considering the Congressional budget resolution. CBO estimates that enacting H.R. 3575, by itself, would not have a significant impact on the federal budget. Any impact on the budget would depend on the extent of future legislative actions by the Congress and the President. Enacting H.R. 3575 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The bill would change the budget resolution from a concurrent resolution (a legislative measure that is passed by both the House and Senate, but is not signed into law) to a joint resolution (a measure passed by both Houses of Congress, and signed into law by the President). Under H.R. 3575, if a budget resolution is

cleared by the Congress, the items contained in that resolution that pertain solely to the Congress would be enforceable upon enactment or 15 days after it is presented to the President, whichever occurs earlier.

The impact of H.R. 3575 would depend on future actions of the Congress and the President. Therefore, this bill would not—by itself—have a significant impact on the federal budget. However, requiring a budget resolution to be signed into law may lead to additional difficulties in establishing the guidelines required for the Congressional budget process. CBO estimates that any additional administrative costs for implementing H.R. 3575 would not be significant because both the executive branch and the Congress already carry out activities similar to those that would be involved in preparing and responding to Presidential budget proposals.

H.R. 3575 contains no intergovernmental or private-sector mandates, as defined in the Unfunded Mandates Reform Act, and—by itself—would have no impact on the budgets of state, local, or tribal governments. Any budgetary effects would depend on subsequent legislative action.

The CBO staff contact for this estimate is Jared Brewster. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee establishes the following performance related goals and objectives for this legislation:

The legislation will reform the budget process by establishing a mechanism at the beginning of the budget process to reach agreement between the House, Senate, and the President on the appropriate levels of budgetary resources for the upcoming fiscal year.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of the section 102(b)(3) of the Congressional Accountability Act.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional Authority of Congress to enact this legislation is provided by Article 1, section 5, clause 2 (relating to the right of each House of Congress to determine the rules of its proceedings), and section 9, clause 7 (relating to the prohibition on drawing money from the treasury but in consequence of appropriations made by law).

STATEMENT REGARDING EARMARKS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, the Committee finds that H.R. 3575 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

EXCHANGE OF COMMITTEE CORRESPONDENCE

PAUL RYAN, WISCONSIN
CHAIRMAN
AUSTIN SKAYTHE, STAFF DIRECTOR
(202) 226-7270



CHRIS VAN HOLLEN, RANKING MEMBER
THOMAS S. KAHN, MINORITY STAFF DIRECTOR
(202) 226-7200

U.S. House of Representatives
COMMITTEE ON THE BUDGET
Washington, DC 20515

January 24, 2012

The Honorable David Dreier
Chairman
Committee on Rules
H-312, The Capitol
Washington, D.C. 20515

Dear Chairman Dreier:

I am writing concerning H.R. 3575, the *Legally Binding Budget Act of 2012*, which was expected to be marked up in the Committee on Rules this week.

As you know, the Committee on the Budget has jurisdiction over the budget of the United States. In this bill, section 3 of the Congressional Budget Act of 1974 is amended adding a joint resolution on the budget. Section 304 of this bill permits the chairman of the Budget Committee to adjust levels as needed for the enforcement of the budget resolution. In order to expedite House consideration of H.R. 3575, the Committee will forgo action on the bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3575, and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during Floor consideration.

Sincerely,

Paul Ryan
Chairman

cc: The Honorable John Boehner
The Honorable Eric Cantor
The Honorable Kevin McCarthy
The Honorable Nancy Pelosi
The Honorable Steny Hoyer
The Honorable Chris Van Hollen
The Honorable Sander M. Levin
Mr. John Sullivan, Parliamentarian

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HUAN N. HALPERN, STAFF DIRECTOR
(202) 225-6191
www.rules.house.gov



Committee on Rules
U.S. House of Representatives
31-312 The Capitol
Washington, DC 20515-6209

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MILES M. LACKEY, MINORITY STAFF DIRECTOR

MINORITY OFFICE
31-152, THE CAPITOL
(202) 225-0091

January 24, 2012

The Honorable Paul Ryan
Chairman
Committee on the Budget
207 Cannon House Office Building
Washington, D.C. 20515

Dear Chairman Ryan:

Thank you for your letter regarding H.R. 3575, the Legally Binding Budget Act of 2012, which the Committee on Rules ordered reported on January 23, 2012.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on the Budget with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the House considers the legislation.

Sincerely,

David Dreier

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides the short title for the bill, the “Legally Binding Budget Act of 2011.”

Sec. 2. Definitions.

This section strikes the definition of the term “concurrent resolution on the budget” from section 3 of the Congressional Budget Act of 1974 (CBA) and inserts a new definition of the term “joint resolution on the budget”.

Sec. 3. Conforming Amendments to Section 300.

This section makes conforming changes to the schedule for consideration of the budget to reflect the change from using a concurrent resolution to a joint resolution.

Sec. 4. Amendments to Section 303 and Conforming Amendments.

This section makes conforming changes to the section 303 of the CBA to reflect the change from using a concurrent resolution to a joint resolution.

Sec. 5. Permissible Revisions of Budget Resolutions.

This section revises section 304 of the CBA to provide that a joint resolution on the budget enacted into law may be amended by another joint resolution.

Sec. 6. Limitations on the Content of Budget Resolutions.

This section clarifies that it will not be in order in the House of Representatives or in the Senate to consider any joint resolution on the budget or any amendment thereto or conference report thereon that include extraneous matters not listed in sections 301(a) or (b) of the CBA. The Committee intends that the joint resolution contain only those matters that have traditionally been included in past budget resolutions, and not be used as a vehicle for substantive changes in law.

Sec. 7. Automatic Congressional Enforcement of Joint Resolution.

This section adds a new section to title III of the CBA, which provides that if the President vetoes a joint resolution on the budget, or fails to sign it into law within 15 days, the aggregates, allocations, and any other matters that pertain solely to the Congress set forth in that joint resolution will, for purposes of titles III and IV, and be enforceable in the House of Representatives and the Senate as if the joint resolution had been enacted.

Sec. 8. Additional Amendments to the Congressional Budget Act of 1974 to Effectuate Joint Resolutions on the Budget.

This section makes conforming amendments to sections 301, 302, 303, 304, 305, 308, 310, 311, 312, 314, 405, and 904 of the CBA to reflect the change from using a concurrent resolution to a joint resolution.

Sec. 9. Amendments to the Rules of the House of Representatives to Effectuate Joint Budget Resolutions.

This section makes conforming amendments to clauses 1(d)(1), 4(a)(4), 4(b)(2), 4(f)(1)(A), and 4(f)(2) of rule X, clause 10 of rule XVIII, clause 10 of rule XX, and clauses 7 and 10 of rule XXI of the Rules of the House of Representatives to reflect the change from using a concurrent resolution to a joint resolution.

Sec. 10. Conforming Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.

This section makes conforming changes to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the change from using a concurrent resolution to a joint resolution.

CHANGES IN HOUSE RULES MADE BY THE BILL, AS REPORTED

In compliance with clause 3(g) of rule XIII of the Rules of the House of Representatives, changes in the Rules of the House made by the bill, as reported, are shown as follows (existing rules proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

RULE X.

ORGANIZATION OF COMMITTEES

Committees and their legislative jurisdictions

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

* * * * *
 (d) **Committee on the Budget**

(1) **[Concurrent]** *Joint* resolutions on the budget (as defined in section 3(4) of the Congressional Budget Act of 1974), other matters required to be referred to the committee under titles III and IV of that Act, and other measures setting forth appropriate levels of budget totals for the United States Government.

* * * * *

Additional functions of committees

4.(a) * * *

* * * * *

(4) In the manner provided by section 302 of the Congressional Budget Act of 1974, the Committee on Appropriations (after consulting with the Committee on Appropriations of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such **[concurrent]** *joint* resolution, and promptly report the subdivisions to the House

as soon as practicable after a **[concurrent]** *joint* resolution on the budget for a fiscal year is agreed to.

(b) The Committee on the Budget shall—

* * * * *

(2) hold hearings and receive testimony from Members, Senators, Delegates, the Resident Commissioner, and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as it considers desirable in developing **[concurrent]** *joint* resolutions on the budget for each fiscal year;

* * * * *

Budget Act responsibilities

(f) (1) Each standing committee shall submit to the Committee on the Budget not later than six weeks after the submission of the budget by the President, or at such time as the Committee on the Budget may request—

(A) its views and estimates with respect to all matters to be set forth in the **[concurrent]** *joint* resolution on the budget for the ensuing fiscal year that are within its jurisdiction or functions; and

* * * * *

(2) The views and estimates submitted by the Committee on Ways and Means under subparagraph (1) shall include a specific recommendation, made after holding public hearings, as to the appropriate level of the public debt that should be set forth in the **[concurrent]** *joint* resolution on the budget.

* * * * *

RULE XVIII.

THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

* * * * *

[Concurrent] Joint Resolution on the Budget

1.(a) At the conclusion of general debate in the Committee of the Whole House on the state of the Union on a **[concurrent]** *joint* resolution on the budget under section 305(a) of the Congressional Budget Act of 1974, the **[concurrent]** *joint* resolution shall be considered as read for amendment.

(b) It shall not be in order in the House or in the Committee of the Whole House on the state of the Union to consider an amendment to a **[concurrent]** *joint* resolution on the budget, or an amendment thereto, unless the **[concurrent]** *joint* resolution, as amended by such amendment or amendments—

(1) would be mathematically consistent except as limited by paragraph (c); and

(2) would contain all the matter set forth in paragraphs (1) through (5) of section 301(a) of the Congressional Budget Act of 1974.

(c)(1) Except as specified in subparagraph (2), it shall not be in order in the House or in the Committee of the Whole House on the

state of the Union to consider an amendment to a **[concurrent]** *joint* resolution on the budget, or an amendment thereto, that proposes to change the amount of the appropriate level of the public debt set forth in the **[concurrent]** *joint* resolution, as reported.

(2) Amendments to achieve mathematical consistency under section 305(a)(5) of the Congressional Budget Act of 1974, if offered by direction of the Committee on the Budget, may propose to adjust the amount of the appropriate level of the public debt set forth in the **[concurrent]** *joint* resolution, as reported, to reflect changes made in other figures contained in the **[concurrent]** *joint* resolution.

* * * * *

RULE XX.

VOTING AND QUORUM CALLS

* * * * *

Automatic yeas and nays

10. The yeas and nays shall be considered as ordered when the Speaker puts the question on passage of a bill or joint resolution, or on adoption of a conference report, making general appropriations, or increasing Federal income tax rates (within the meaning of clause 5 of rule XXI), or on final adoption of a **[concurrent]** *joint* resolution on the budget or conference report thereon.

* * * * *

RULE XXI.

RESTRICTIONS ON CERTAIN BILLS

* * * * *

7. It shall not be in order to consider a **[concurrent]** *joint* resolution on the budget, or an amendment thereto, or a conference report thereon that contains reconciliation directives under section 310 of the Congressional Budget Act of 1974 that specify changes in law such that the reconciliation legislation reported pursuant to such directives would cause an increase in net direct spending (as such term is defined in clause 10) for the period covered by such **[concurrent]** *joint* resolution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CONGRESSIONAL BUDGET ACT OF 1974

SHORT TITLES; TABLE OF CONTENTS

SECTION 1. (a) * * *

(b) TABLE OF CONTENTS.—

Sec. 1. Short titles; table of contents.

* * * * *
 Sec. 301. **【Annual adoption of concurrent resolution】** *Joint resolutions* on the budget.
 * * * * *

【Sec. 303. Concurrent resolution on the budget must be adopted before budget-related legislation is considered.】

Sec. 303. Consideration of budget-related legislation before budget becomes law.
 * * * * *

Sec. 305. Provisions relating to consideration of **【concurrent】** *joint* resolutions on the budget.
 * * * * *

Sec. 316. Automatic congressional enforcement of joint resolution.
 * * * * *

SEC. 3. IN GENERAL.—For purposes of this Act—

(1) * * *

* * * * *

【(4) The term “concurrent resolution on the budget” means—

【(A) a concurrent resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 301; and

【(B) any other concurrent resolution revising the congressional budget for the United States Government for a fiscal year as described in section 304.】

(4) The term “joint resolution on the budget” means—

(A) a joint resolution setting forth the budget for the United States Government for a fiscal year as provided in section 301; and

(B) any other joint resolution revising the budget for the United States Government for a fiscal year as described in section 304.

* * * * *

TITLE III—CONGRESSIONAL BUDGET PROCESS

TIMETABLE

SEC. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

On or before:	Action to be completed:
First Monday in February	President submits his budget.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after President submits budget.	Committees submit views and estimates to Budget Committees.
April 1	Senate Budget Committee reports 【concurrent】 <i>joint</i> resolution on the budget.
April 15	Congress completes action on 【concurrent】 <i>joint</i> resolution on the budget.
May 15	Annual appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last annual appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	House completes action on annual appropriation bills.
October 1	Fiscal year begins.

【ANNUAL ADOPTION OF CONCURRENT RESOLUTION】 *JOINT RESOLUTIONS ON THE BUDGET*

SEC. 301. (a) CONTENT OF 【CONCURRENT】 *JOINT RESOLUTION ON THE BUDGET*.—On or before April 15 of each year, the Congress shall complete action on a 【concurrent】 *joint* resolution on the budget for the fiscal year beginning on October 1 of such year. The 【concurrent】 *joint* resolution shall set forth appropriate levels for the fiscal year beginning on October 1 of such year and for at least each of the 4 ensuing fiscal years for the following—

(1) * * *

* * * * *

The 【concurrent】 *joint* resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.

(b) ADDITIONAL MATTERS IN 【CONCURRENT】 *JOINT RESOLUTION*.—The 【concurrent】 *joint* resolution on the budget may—

(1) * * *

* * * * *

(3) require a procedure under which all or certain bills or resolutions providing new budget authority or new entitlement authority for such fiscal year shall not be enrolled until the Congress has completed action on any reconciliation bill or reconciliation resolution or both required by such 【concurrent】 *joint* resolution to be reported in accordance with section 310(b);

* * * * *

(5) include a heading entitled “Debt Increase as Measure of Deficit” in which the 【concurrent】 *joint* resolution shall set forth the amounts by which the debt subject to limit (in section 3101 of title 31 of the United States Code) has increased or would increase in each of the relevant fiscal years;

(6) include a heading entitled “Display of Federal Retirement Trust Fund Balances” in which the 【concurrent】 *joint* resolution shall set forth the balances of the Federal retirement trust funds;

* * * * *

(c) CONSIDERATION OF PROCEDURES OR MATTERS WHICH HAVE THE EFFECT OF CHANGING ANY RULE OF THE HOUSE OF REPRESENTATIVES.—If the Committee on the Budget of the House of Representatives reports any 【concurrent】 *joint* resolution on the budget which includes any procedure or matter which has the effect of changing any rule of the House of Representatives, such 【concurrent】 *joint* resolution shall then be referred to the Committee on Rules with instructions to report it within five calendar days (not counting any day on which the House is not in session). The Committee on Rules shall have jurisdiction to report any 【concurrent】 *joint* resolution referred to it under this paragraph with an amend-

ment or amendments changing or striking out any such procedure or matter.

* * * * *

(e) HEARINGS AND REPORT.—

(1) IN GENERAL.—In developing the **[concurrent]** *joint* resolution on the budget referred to in subsection (a) for each fiscal year, the Committee on the Budget of each House shall hold hearings and shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable. Each of the recommendations as to short-term and medium-term goal set forth in the report submitted by the members of the Joint Economic Committee under subsection (d) may be considered by the Committee on the Budget of each House as part of its consideration of such **[concurrent]** *joint* resolution, and its report may reflect its views thereon, including its views on how the estimates of revenues and levels of budget authority and outlays set forth in such **[concurrent]** *joint* resolution are designed to achieve any goals it is recommending.

* * * * *

(f) ACHIEVEMENT OF GOALS FOR REDUCING UNEMPLOYMENT.—

(1) If, pursuant to section 4(c) of the Employment Act of 1946, the President recommends in the Economic Report that the goals for reducing unemployment set forth in section 4(b) of such Act be achieved in a year after the close of the five-year period prescribed by such subsection, the **[concurrent]** *joint* resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(2) After the Congress has expressed its opinion pursuant to paragraph (1) as to the year in which the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 can be achieved, if, pursuant to section 4(e) of such Act, the President recommends in the Economic Report that such goals be achieved in a year which is different from the year in which the Congress has expressed its opinion that such goals should be achieved, either in its action pursuant to paragraph (1) or in its most recent action pursuant to this paragraph, the **[concurrent]** *joint* resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

* * * * *

(g) ECONOMIC ASSUMPTIONS.—

(1) It shall not be in order in the Senate to consider any **[concurrent]** *joint* resolution on the budget for a fiscal year, or any amendment thereto, or any conference report thereon, that sets forth amounts and levels that are determined on the basis of more than one set of economic and technical assumptions.

(2) The joint explanatory statement accompanying a conference report on a **[concurrent]** *joint* resolution on the budget shall set forth the common economic assumptions upon which such joint statement and conference report are based, or upon which any amendment contained in the joint explanatory statement to be proposed by the conferees in the case of technical disagreement, is based.

* * * * *

(h) BUDGET COMMITTEES CONSULTATION WITH COMMITTEES.—The Committee on the Budget of the House of Representatives shall consult with the committees of its House having legislative jurisdiction during the preparation, consideration, and enforcement of the **[concurrent]** *joint* resolution on the budget with respect to all matters which relate to the jurisdiction or functions of such committees.

(i) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider any **[concurrent]** *joint* resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the excess of social security revenues over social security outlays in any of the fiscal years covered by the **[concurrent]** *joint* resolution. No change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of social security revenues unless such provision changes the income tax treatment of social security benefits.

COMMITTEE ALLOCATIONS

SEC. 302. (a) COMMITTEE SPENDING ALLOCATIONS.—

(1) ALLOCATION AMONG COMMITTEES.—The joint explanatory statement accompanying a conference report on a **[concurrent]** *joint* resolution on the budget shall include an allocation, consistent with the resolution recommended in the conference report, of the levels for the first fiscal year of the resolution, for at least each of the ensuing 4 fiscal years, and a total for that period of fiscal years (except in the case of the Committee on Appropriations only for the fiscal year of that resolution) of—
(A) * * *

* * * * *

(5) ADJUSTING ALLOCATION OF DISCRETIONARY SPENDING IN THE HOUSE OF REPRESENTATIVES.—(A) If a **[concurrent]** *joint* resolution on the budget is not adopted by April 15, the chairman of the Committee on the Budget of the House of Representatives shall submit to the House, as soon as practicable, an allocation under paragraph (1) to the Committee on Appropriations consistent with the discretionary spending levels in the most recently **[agreed to concurrent]** *enacted joint* resolution on the budget for the appropriate fiscal year covered by that resolution.

* * * * *

(b) SUBALLOCATIONS BY APPROPRIATIONS COMMITTEES.—As soon as practicable after a **[concurrent]** *joint* resolution on the budget is **[agreed to]** *enacted*, the Committee on Appropriations of each House (after consulting with the Committee on Appropriations of the other House) shall suballocate each amount allocated to it for

the budget year under subsection (a) among its subcommittees. Each Committee on Appropriations shall promptly report to its House suballocations made or revised under this subsection. The Committee on Appropriations of the House of Representatives shall further divide among its subcommittees the divisions made under subsection (a)(3)(B) and promptly report those divisions to the House.

* * * * *

(d) **SUBSEQUENT [CONCURRENT] JOINT RESOLUTIONS.**—In the case of a [concurrent] *joint* resolution on the budget referred to in section 304, the allocations under subsection (a) and the subdivisions under subsection (b) shall be required only to the extent necessary to take into account revisions made in the [most recently agreed to concurrent resolution on the budget] *most recently enacted joint resolution on the budget*.

* * * * *

(f) **LEGISLATION SUBJECT TO POINT OF ORDER.**—

(1) **IN THE HOUSE OF REPRESENTATIVES.**—After the Congress has completed action on a [concurrent] *joint* resolution on the budget for a fiscal year, it shall not be in order in the House of Representatives to consider any bill, joint resolution, or amendment providing new budget authority for any fiscal year, or any conference report on any such bill or joint resolution, if—

(A) * * *

* * * * *

(2) **IN THE SENATE.**—After a [concurrent] *joint* resolution on the budget is [agreed to] *enacted*, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause—

(A) * * *

* * * * *

(g) **PAY-AS-YOU-GO EXCEPTION IN THE HOUSE.**—

(1) **IN GENERAL.**—(A) Subsection (f)(1) and, after April 15, section 303(a) shall not apply to any bill or joint resolution, as reported, amendment thereto, or conference report thereon if, for each fiscal year covered by the [most recently agreed to concurrent resolution on the budget] *most recently enacted joint resolution on the budget*—

(i) * * *

* * * * *

would not increase the deficit, and, if the sum of any revenue increases provided in legislation already enacted during the current session (when added to revenue increases, if any, in excess of any outlay increase provided by the legislation proposed for consideration) is at least as great as the sum of the amount, if any, by which the aggregate level of Federal revenues should be increased as set forth in that [concurrent] *joint* resolution and the amount, if any, by which revenues are to be increased pursuant to pay-as-you-go procedures under section 301(b)(8), if included in that [concurrent] *joint* resolution.

(B) Section 311(a), as that section applies to revenues, shall not apply to any bill, joint resolution, amendment thereto, or conference report thereon if, for each fiscal year covered by the **【most recently agreed to concurrent resolution on the budget】** *most recently enacted joint resolution on the budget*—

(i) * * *

* * * * *

would not increase the deficit, and, if the sum of any outlay reductions provided in legislation already enacted during the current session (when added to outlay reductions, if any, in excess of any revenue reduction provided by the legislation proposed for consideration) is at least as great as the sum of the amount, if any, by which the aggregate level of Federal outlays should be reduced as required by that **【concurrent】** *joint* resolution and the amount, if any, by which outlays are to be reduced pursuant to pay-as-you-go procedures under section 301(b)(8), if included in that **【concurrent】** *joint* resolution.

(2) REVISED ALLOCATIONS.—(A) * * *

(B) Such revised allocations, functional levels, and budget aggregates shall be considered for the purposes of this Act as allocations, functional levels, and budget aggregates contained in the **【most recently agreed to concurrent resolution on the budget】** *most recently enacted joint resolution on the budget*.

【CONCURRENT RESOLUTION ON THE BUDGET MUST BE ADOPTED BEFORE BUDGET-RELATED LEGISLATION IS CONSIDERED】

CONSIDERATION OF BUDGET-RELATED LEGISLATION BEFORE BUDGET BECOMES LAW

SEC. 303. **【(a) IN GENERAL.—】**Until the **【concurrent】** *joint* resolution on the budget for a fiscal year **【has been agreed to】** *takes effect*, it shall not be in order in the House of Representatives, with respect to the first fiscal year covered by that resolution, or the Senate, with respect to any fiscal year covered by that resolution, to consider any bill or joint resolution, amendment or motion there-to, or conference report thereon that—

(1) * * *

* * * * *

【(b) EXCEPTIONS IN THE HOUSE.—In the House of Representatives, subsection (a) does not apply—

【(1)(A) to any bill or joint resolution, as reported, providing advance discretionary new budget authority that first becomes available for the first or second fiscal year after the budget year; or

【(B) to any bill or joint resolution, as reported, first increasing or decreasing revenues in a fiscal year following the fiscal year to which the concurrent resolution applies;

【(2) after May 15, to any general appropriation bill or amendment thereto; or

【(3) to any bill or joint resolution unless it is reported by a committee.

【(c) APPLICATION TO APPROPRIATION MEASURES IN THE SENATE.—

【(1) IN GENERAL.—Until the concurrent resolution on the budget for a fiscal year has been agreed to and an allocation

has been made to the Committee on Appropriations of the Senate under section 302(a) for that year, it shall not be in order in the Senate to consider any appropriation bill or joint resolution, amendment or motion thereto, or conference report thereon for that year or any subsequent year.

【(2) EXCEPTION.—Paragraph (1) does not apply to appropriations legislation making advance appropriations for the first or second fiscal year after the year the allocation referred to in that paragraph is made.】

【PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET

【SEC. 304. At any time after the concurrent resolution on the budget for a fiscal year has been agreed to pursuant to section 301, and before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises or reaffirms the concurrent resolution on the budget for such fiscal year most recently agreed to.】

PERMISSIBLE REVISIONS OF BUDGET RESOLUTIONS

SEC. 304. At any time after the joint resolution on the budget for a fiscal year has been enacted pursuant to section 301, and before the end of such fiscal year, the two Houses and the President may enact a joint resolution on the budget which revises or reaffirms the joint resolution on the budget for such fiscal year most recently enacted, and for purposes of the enforcement of the Congressional Budget Act of 1974, the chairman of the Budget Committee of the House of Representatives or the Senate, as applicable, may adjust levels as needed for the enforcement of the budget resolution.

PROVISIONS RELATING TO THE CONSIDERATION OF 【CONCURRENT】 JOINT RESOLUTIONS ON THE BUDGET

SEC. 305. (a) PROCEDURE IN HOUSE OF REPRESENTATIVES AFTER REPORT OF COMMITTEE; DEBATE.—

(1) When a 【concurrent】 *joint* resolution on the budget has been reported by the Committee on the Budget of the House of Representatives and has been referred to the appropriate calendar of the House, it shall be in order on any day thereafter, subject to clause 2(1)(6) of rule XI of the Rules of the House of Representatives, to move to proceed to the consideration of the 【concurrent】 *joint* resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) General debate on any 【concurrent】 *joint* resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties, plus such additional hours of debate as are consumed pursuant to paragraph (3). A motion further to limit debate is not debatable. A motion to recommit the 【concurrent】 *joint* resolution is not in order, and it is not in order to move to reconsider the vote by which the 【concurrent】 *joint* resolution is agreed to or disagreed to.

(3) Following the presentation of opening statements on the **【concurrent】** *joint* resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the House, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Only if a **【concurrent】** *joint* resolution on the budget reported by the Committee on the Budget of the House sets forth the economic goals (as described in sections 3(a)(2) and (4)(b) of the Full Employment Act of 1946) which the estimates, amounts, and levels (as described in section 301(a)) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) Consideration of any **【concurrent】** *joint* resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be considered for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

(6) Debate in the House of Representatives on the conference report on any **【concurrent】** *joint* resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to reconsider the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(7) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any **【concurrent】** *joint* resolution on the budget shall be decided without debate.

(b) PROCEDURE IN SENATE AFTER REPORT OF COMMITTEE; DEBATE; AMENDMENTS.—

(1) Debate in the Senate on any **【concurrent】** *joint* resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that with respect to any **【concurrent】** *joint* resolution referred to in section 304(a) all such debate shall be limited to not more than 15 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a **【concurrent】** *joint* resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover

and the manager of the **[concurrent]** *joint* resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the **[concurrent]** *joint* resolution, except that in the event the manager of the **[concurrent]** *joint* resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such **[concurrent]** *joint* resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the **[concurrent]** *joint* resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) Following the presentation of opening statements on the **[concurrent]** *joint* resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the Senate, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Subject to the other limitations of this Act, only if a **[concurrent]** *joint* resolution on the budget reported by the Committee on the Budget of the Senate sets forth the economic goals (as described in sections 3(a)(2) and 4(b) of the Employment Act of 1946) which the estimates, amounts, and levels (as described in section 301(a)) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the **[concurrent]** *joint* resolution.

(6) Notwithstanding any other rule, an amendment or series of amendments to a **[concurrent]** *joint* resolution on the budget proposed in the Senate shall always be in order if such amendment or series of amendments proposes to change any figure or figures then contained in such **[concurrent]** *joint* resolution so as to make such **[concurrent]** *joint* resolution mathematically consistent or so as to maintain such consistency.

(c) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(1) A motion to proceed to the consideration of the conference report on any **[concurrent]** *joint* resolution on the budget (or a reconciliation bill or resolution) may be made even though a previous motion to the same effect has been disagreed to.

(2) During the consideration in the Senate of the conference report (or a message between Houses) on any **[concurrent]** *joint* resolution on the budget, and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate shall be lim-

ited to 10 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

* * * * *

(d) **【CONCURRENT】 JOINT RESOLUTION MUST BE CONSISTENT IN THE SENATE.**—It shall not be in order in the Senate to vote on the question of agreeing to—

(1) a **【concurrent】 joint** resolution on the budget unless the figures then contained in such resolution are mathematically consistent; or

(2) a conference report on a **【concurrent】 joint** resolution on the budget unless the figures contained in such resolution, as recommended in such conference report, are mathematically consistent.

(e) *LIMITATION ON CONTENTS.*—(1) *It shall not be in order in the House of Representatives or in the Senate to consider any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter referred to in paragraph (2).*

(2) *Any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b) shall not be treated in the House of Representatives or the Senate as a budget resolution under subsection (a) or (b) or as a conference report on a budget resolution under subsection (c) of this section.*

* * * * *

REPORTS, SUMMARIES, AND PROJECTIONS OF CONGRESSIONAL BUDGET ACTIONS

SEC. 308. (a) **LEGISLATION PROVIDING NEW BUDGET AUTHORITY OR PROVIDING AN INCREASE OR DECREASE IN REVENUES OR TAX EXPENDITURES.**—

(1) Whenever a committee of either House reports to its House a bill or joint resolution, or committee amendment thereto, providing new budget authority (other than continuing appropriations) or providing an increase or decrease in revenues or tax expenditures for a fiscal year (or fiscal years), the report accompanying that bill or joint resolution shall contain a statement, or the committee shall make available such a statement in the case of an approved committee amendment which is not reported to its House, prepared after consultation with the Director of the Congressional Budget Office—

(A) comparing the levels in such measure to the appropriate allocations in the reports submitted under section 302(b) for the **【most recently agreed to concurrent resolution on the budget】** *most recently enacted joint resolution on the budget* for such fiscal year (or fiscal years);

* * * * *

(b) **UP-TO-DATE TABULATIONS OF CONGRESSIONAL BUDGET ACTION.**—

(1) The Director of the Congressional Budget Office shall issue to the committees of the House of Representatives and the Senate reports on at least a monthly basis detailing and tabulating the progress of congressional action on bills and joint resolutions providing new budget authority or providing an increase or decrease in revenues or tax expenditures for each fiscal year covered by a **concurrent** joint resolution on the budget. Such reports shall include but are not limited to an up-to-date tabulation comparing the appropriate aggregate and functional levels (including outlays) included in the most recently adopted **concurrent** joint resolution on the budget with the levels provided in bills and joint resolutions reported by committees or adopted by either House or by the Congress, and with the levels provided by law for the fiscal year preceding the first fiscal year covered by the appropriate **concurrent** joint resolution.

* * * * *

RECONCILIATION

SEC. 310. (a) INCLUSION OF RECONCILIATION DIRECTIVES IN **CONCURRENT** JOINT EXPLANATORY STATEMENT ACCOMPANYING CONFERENCE REPORT ON JOINT RESOLUTIONS ON THE BUDGET.—**A** The joint explanatory statement accompanying the conference report on a **concurrent** joint resolution on the budget for any fiscal year, to the extent necessary to effectuate the provisions and requirements of such resolution, shall—

(1) * * *

* * * * *

(b) LEGISLATIVE PROCEDURE.—**If** If the joint explanatory statement accompanying the conference report on a **concurrent** joint resolution containing directives to one or more committees to determine and recommend changes in laws, bills, or resolutions is **agreed to** enacted in accordance with subsection (a), and—

(1) * * *

* * * * *

For purposes of this subsection, a reconciliation resolution is a **concurrent** joint resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and resolutions which have not been enrolled.

(c) COMPLIANCE WITH RECONCILIATION DIRECTIONS.—(1) Any committee of the House of Representatives or the Senate that is directed, pursuant to the joint explanatory statement accompanying the conference report on a **concurrent** joint resolution on the budget, to determine and recommend changes of the type described in paragraphs (1) and (2) of subsection (a) with respect to laws within its jurisdiction, shall be deemed to have complied with such directions—

(A) if—

(i) the amount of the changes of the type described in paragraph (1) of such subsection recommended by such committee do not exceed or fall below the amount of the changes such committee was directed by such **concur-**

rent] *joint* resolution to recommend under that paragraph by more than—

(I) * * *

* * * * *

(ii) the amount of the changes of the type described in paragraph (2) of such subsection recommended by such committee do not exceed or fall below the amount of the changes such committee was directed by such [concurrent] *joint* resolution to recommend under that paragraph by more than—

(I) * * *

* * * * *

(2)(A) * * *

* * * * *

(C) Allocations, functional levels, and aggregates revised pursuant to this paragraph shall be considered to be allocations, functional levels, and aggregates contained in the [concurrent] *joint* resolution on the budget pursuant to section 301.

* * * * *

(d) LIMITATION ON AMENDMENTS TO RECONCILIATION BILLS AND RESOLUTIONS.—

(1) It shall not be in order in the House of Representatives to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of increasing any specific budget outlays above the level of such outlays provided in the bill or resolution (for the fiscal years covered by the reconciliation instructions set forth in the [most recently agreed to concurrent resolution on the budget] *most recently enacted joint resolution on the budget*), or would have the effect of reducing any specific Federal revenues below the level of such revenues provided in the bill or resolution (for such fiscal years), unless such amendment makes at least an equivalent reduction in other specific budget outlays, an equivalent increase in other specific Federal revenues, or an equivalent combination thereof (for such fiscal years), except that a motion to strike a provision providing new budget authority or new entitlement authority may be in order.

* * * * *

(5) The Committee on Rules of the House of Representatives may make in order amendments to achieve changes specified by reconciliation directives contained in a [concurrent] *joint* resolution on the budget if a committee or committees of the House fail to submit recommended changes to its Committee on the Budget pursuant to its instruction.

(e) PROCEDURE IN THE SENATE.—

(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the Senate of [concurrent] *joint* resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of reconciliation bills reported under subsection (b) and conference reports thereon.

* * * * *

(f) COMPLETION OF RECONCILIATION PROCESS.—It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than three calendar days during the month of July until the House of Representatives has completed action on the reconciliation legislation for the fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains, if reconciliation legislation is required to be reported by the [concurrent] *joint* resolution on the budget for such fiscal year.

(g) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill or reconciliation resolution reported pursuant to a [concurrent] *joint* resolution on the budget [agreed to] *enacted* under section 301 or 304, or a joint resolution pursuant to section 258C of the Balanced Budget and Emergency Deficit Control Act of 1985, or any amendment thereto or conference report thereon, that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

BUDGET-RELATED LEGISLATION MUST BE WITHIN APPROPRIATE LEVELS

SEC. 311. (a) ENFORCEMENT OF BUDGET AGGREGATES.—

(1) IN THE HOUSE OF REPRESENTATIVES.—Except as provided by subsection (c), after the Congress has completed action on a [concurrent] *joint* resolution on the budget for a fiscal year, it shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment, motion, or conference report providing new budget authority or reducing revenues, if—

(A) * * *

* * * * *

would cause the level of total new budget authority or total outlays set forth in the applicable [concurrent] *joint* resolution on the budget for the first fiscal year to be exceeded, or would cause revenues to be less than the level of total revenues set forth in that [concurrent] *joint* resolution for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided under section 302(a), except when a declaration of war by the Congress is in effect.

(2) IN THE SENATE.—After a [concurrent] *joint* resolution on the budget is [agreed to] *enacted*, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that—

(A) * * *

* * * * *

(3) ENFORCEMENT OF SOCIAL SECURITY LEVELS IN THE SENATE.—After a [concurrent] *joint* resolution on the budget is [agreed to] *enacted*, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in social security surpluses or an increase in social security deficits relative to

the levels set forth in the applicable resolution for the first fiscal year or for the total of that fiscal year and the ensuing fiscal years for which allocations are provided under section 302(a).

* * * * *

DETERMINATIONS AND POINTS OF ORDER

SEC. 312. (a) * * *

* * * * *

(c) MAXIMUM DEFICIT AMOUNT POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any [concurrent] *joint* resolution on the budget for a fiscal year, or to consider any amendment to that [concurrent] *joint* resolution, or to consider a conference report on that [concurrent] *joint* resolution, if—

- (1) the level of total outlays for the first fiscal year set forth in that [concurrent] *joint* resolution or conference report exceeds; or

* * * * *

ADJUSTMENTS

SEC. 314. (a) ADJUSTMENTS.—After the reporting of a bill or joint resolution or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget of the House of Representatives or the Senate may make appropriate budgetary adjustments of new budget authority and the outlays flowing therefrom in the same amount as required by section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) APPLICATION OF ADJUSTMENTS.—The adjustments made pursuant to subsection (a) for legislation shall—

- (1) apply while that legislation is under consideration;
- (2) take effect upon the enactment of that legislation; and
- (3) be published in the Congressional Record as soon as practicable.

(c) REPORTING REVISED SUBALLOCATIONS.—Following any adjustment made under subsection (a), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations under section 302(b) to carry out this section.

(d) EMERGENCIES IN THE HOUSE OF REPRESENTATIVES.— (1) In the House of Representatives, if a reported bill or joint resolution, or amendment thereto or conference report thereon, contains a provision providing new budget authority and outlays or reducing revenue, and a designation of such provision as an emergency requirement pursuant to 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chair of the Committee on the Budget of the House of Representatives shall not count the budgetary effects of such provision for purposes of title III and title IV of the Congressional Budget Act of 1974 and the Rules of the House of Representatives.

(2)(A) In the House of Representatives, if a reported bill or joint resolution, or amendment thereto or conference report thereon, con-

tains a provision providing new budget authority and outlays or reducing revenue, and a designation of such provision as an emergency pursuant to paragraph (1), the chair of the Committee on the Budget shall not count the budgetary effects of such provision for purposes of this title and title IV and the Rules of the House of Representatives.

(B) In the House of Representatives, a proposal to strike a designation under subparagraph (A) shall be excluded from an evaluation of budgetary effects for purposes of this title and title IV and the Rules of the House of Representatives.

(C) An amendment offered under subparagraph (B) that also proposes to reduce each amount appropriated or otherwise made available by the pending measure that is not required to be appropriated or otherwise made available shall be in order at any point in the reading of the pending measure.

(e) SENATE POINT OF ORDER AGAINST AN EMERGENCY DESIGNATION.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, amendment between the Houses, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only

that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) ENFORCEMENT OF DISCRETIONARY SPENDING CAPS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause the discretionary spending limits as set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act to be exceeded.

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AUTOMATIC CONGRESSIONAL ENFORCEMENT OF JOINT RESOLUTION

SEC. 316. *For purposes of congressional enforcement under titles III and IV of this Act and the rules of the House of Representatives and the Senate, the aggregates, allocations, and any other matters that pertain solely to the Congress set forth in the joint resolution shall be considered as enforceable upon enactment or 15 days following presentment to the President, whichever occurs earlier.*

TITLE IV—ADDITIONAL PROVISIONS TO IMPROVE FISCAL PROCEDURES

PART A—GENERAL PROVISIONS

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OFF-BUDGET AGENCIES, PROGRAMS, AND ACTIVITIES

SEC. 405. (a) Notwithstanding any other provision of law, budget authority, credit authority, and estimates of outlays and receipts for activities of the Federal budget which are off-budget immediately prior to the date of enactment of this section, not including activities of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, shall be included in a budget submitted pursuant to section 1105 of title 31, United States Code, and in a [concurrent] joint resolution on the budget reported pursuant to section 301 or section 304 of this Act and shall be considered, for purposes of this Act, budget authority, outlays, and spending authority in accordance with definitions set forth in this Act.

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TITLE IX—MISCELLANEOUS PROVISIONS; EFFECTIVE DATES

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EXERCISE OF RULEMAKING POWERS

SEC. 904. (a) * * *

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(d) APPEALS.—

(1) PROCEDURE.—Appeals in the Senate from the decisions of the Chair relating to any provision of title III or IV or section 1017 shall, except as otherwise provided therein, be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, **[concurrent]** *joint* resolution, reconciliation bill, or rescission bill, as the case may be.

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BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

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PART C—EMERGENCY POWERS TO ELIMINATE DEFICITS IN EXCESS OF MAXIMUM DEFICIT AMOUNT

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SEC. 258C. SPECIAL RECONCILIATION PROCESS.

(a) * * *

(b) PROCEDURES.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the Senate the provisions of sections 305 and 310 of the Congressional Budget Act of 1974 for the consideration of **[concurrent]** *joint* resolutions on the budget and conference reports thereon shall also apply to the consideration of resolutions, and reconciliation bills and reconciliation resolutions reported under this paragraph and conference reports thereon.

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